vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1929 OF 2006

Metal Box India Ltd. ... Petitioners

V/s.

Sakharam Govind Patade & Ors. ... Respondents

Mr.Kiran Bapat i/b Tejpal & Co. for Petitioners
Mr.Abhay Kulkarni for Respondents

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **JULY 31, 2007**

P.C.:

. The petition challenges the order in complaint (ULP) No.867 of 1992. According to the petitioners, the respondent workmen were employed by them and were then sent to Jeddah by the Company. The petitioners floated a scheme of voluntary retirement for all those persons who were on the muster rolls in 1988. According to the petitioners, the respondent workmen did not opt for the scheme and in fact the petitioners had struck off their names from the muster rolls. It is also contended that the respondent workmen did not report for duty with the petitioners after returning from Jeddah and therefore they were not entitled to avail of the voluntary retirement scheme.

2. The date on which the names of the respondent workmen were struck off from the muster rolls is not

mentioned anywhere. There is no proof that these names were struck off either before their return from Jedhah or after their return from Jedhah or after the voluntary retirement scheme was floated.

3. The Labour Court has found that an unfair labour practice has been committed under Items 5 and 9 of Schedule IV of the MRTU & PULP Act by the petitioners. The Industrial Court has also found that the respondent workman had proved that on return from Jeddah, they had consistently asked for work by writing letters which were admittedly received by the company which was then under lockout. The acknowledgements receipts of these letters were placed on record by the respondent workmen.

4. In such circumstances, the impugned order does not suffer from any infirmities which require correction under Article 227 of the Constitution of India. Petition rejected.